

PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
NAT German Hill Road, 180' NE
Gray Manor Terrace
(102 German Hill Road)
12th Election District
7th Councilmanic District
Case No. 92-151-A
Mary Kalaczynski
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The petitioner herein requests a variance from Section 1802.3.C.1 to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for an existing porch addition in accordance with Petitioner's Exhibit 1.

The petitioner originally filed her request through the Administrative Variance procedure. Following a review of the case file and documentation submitted, the Zoning Commissioner required that a public hearing be held to determine the appropriateness of the relief requested.

At the hearing, the petitioner, by her daughter, Gloria Preston, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 102 German Hill Road, consists of 6,250 sq.ft. more or less, zoned D.R. 5.3, and is improved with a single family dwelling. Upon receipt of a zoning violation notice as to the location of a porch addition, petitioner filed the instant petition in order to correct the matter. Testimony indicated that petitioner recently contracted to have the subject porch addition built. Evidence presented indicated that the porch was built 3 feet off the east side property line and as a result, does not meet zoning setback requirements. Testimony indicated that the petitioner had discussed her plans with her neighbors prior to having the porch constructed and that there

were no objections. Evidence presented indicated that the porch was constructed in the location shown on Petitioner's Exhibit 1 as it allowed access from an existing back door to the dwelling. Further, Ms. Preston testified that the rear of the property abuts a cemetery. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that strict compliance would result in practical difficulty and unreasonable hardship for petitioner.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. Mclean v. Soloy, 270 Md. 208 (1974). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

ORDER RECEIVED BY FILING
Date 12/24/91
By [Signature]

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of December, 1991 that the Petition for Zoning Variance from Section 1802.3.C.1 to permit a side yard setback of 3 feet in lieu of the minimum required 10 feet for an existing porch addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED BY FILING
Date 12/24/91
By [Signature]

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Enclosure 1-1-91

Ms. Mary Kalaczynski
102 German Hill Road
Baltimore, Maryland 21222

RE: PETITION FOR ZONING VARIANCE
N/S German Hill Road, 180' NE of Gray Manor Terrace
(102 German Hill Road)
12th Election District - 7th Councilmanic District
Mary Kalaczynski - Petitioner
Case No. 92-151-A

Dear Ms. Kalaczynski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

[Signature]
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

[Signature]

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

92-151-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1 to allow a 3 yard set back of 3' in lieu of the required 10'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty)

My Mom is terminately ill and this is her request. I need a place for my son's grandchild. I chose that location because the back door is there.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law of Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioners:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Mary Kalaczynski

(Type or Print Name)

Signature

(Type of PRINT Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

MARY Kalaczynski

Name

Address

102 German Hill Rd

Address

ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of Dec, 1991, that the subject matter of this petition be posted on the property on or before the 30th day of Dec, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 24th day of Dec, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be requested, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.

ORDER RECEIVED BY FILING

Date 12/24/91

By [Signature]

REVIEWED BY: DATE:



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-151-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/so presently reside at 102 German Hill Rd
Baltimore Md 21222
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

My Mom is terminately ill and this is her request. I need a place for my son's grandchild.

I chose this location because the back door is there.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

[Signature]
AFFIANT (Handwritten Signature)

AFFIANT (Handwritten Signature)

AFFIANT (Printed Name)

Mary Kalaczynski

AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 24th day of October, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Mary Kalaczynski

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3 October, 1991

NOTARY PUBLIC

My Commission Expires: [Signature]

Zoning Description

Beginning at a point on the north side of German Hill Rd. which is 50 ft wide at the distance 180 ft. northeast of and opposite Gray Manor Terrace. Being Lot 9 in the Subdivision of Gray Manor as recorded in Baltimore County Plat Book 15 folio 66 containing 6250 sq. ft. Also known as #102 German Hill Rd. and located in the 12th Election District.

92-151-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 11/27/91
Posted for: 14 days
Petitioner: Mary Kalaczynski
Location of property: N/S German Hill Rd, 180' NE of Gray Manor Terrace
Location of Sign: 102 German Hill Rd, Baltimore, Md 21222
Remarks: Variance
Posted by: [Signature] Date of return: 12/3/91
Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 11/27/91
Posted for: Variance
Petitioner: Mary Kalaczynski
Location of property: N/S German Hill Rd, 180' NE of Gray Manor Terrace
Location of Sign: 102 German Hill Rd, Baltimore, Md 21222
Remarks: Variance
Posted by: [Signature] Date of return: 12/3/91
Number of Signs: 1

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-23-91, 1991.

NORTHEAST TIMES BOOSTER and
NORTHEAST TIMES REPORTER

S. Zehe Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-151-A
N/S German Hill Road, 180' NE of Gray Manor Terrace
102 German Hill Road
12th Election District
7th Councilmanic
Petitioner(s): Mary Kalaczynski
Hearing Date: Friday, December 13, 1991 at 2:30 p.m.
Variance: to allow a side yard setback of 3 ft. in lieu of the required 10 ft.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
N.11/297 November 28

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12-24-91, 1991
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12-28-91, 1991.

THE JEFFERSONIAN,

S. Zehe Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case Number: 92-151-A
N/S German Hill Road, 180' NE of Gray Manor Terrace
102 German Hill Road
12th Election District
7th Councilmanic
Petitioner(s): Mary Kalaczynski
Hearing Date: Friday, December 13, 1991 at 2:30 p.m.
Variance: to allow a side yard setback of 3 ft. in lieu of the required 10 ft.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
N.11/297 November 28

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

Account: R-001-6150
Number

Cashier Validation

Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 12-24-91

Mary Kalaczynski
102 German Hill Road
Baltimore, Maryland 21222

RE:
CASE NUMBER: 92-151-A
N/S German Hill Road, 180' NE of Gray Manor Terrace
102 German Hill Road
12th Election District- 7th Councilmanic
Petitioner(s): Mary Kalaczynski

Dear Petitioner(s):

Please be advised that \$ 100.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jablon
DIRECTOR

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

NOVEMBER 20, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-151-A
N/S German Hill Road, 180' NE of Gray Manor Terrace
102 German Hill Road
12th Election District- 7th Councilmanic
Petitioner(s): Mary Kalaczynski
HEARING: FRIDAY, DECEMBER 13, 1991 at 2:30 p.m.

Variance to allow a side yard setback of 3 ft. in lieu of the required 10 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Mary Kalaczynski

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 4, 1991

Ms. Mary Kalaczynski
102 German Hill Road
Baltimore, MD 21222

RE: Item No. 163, Case No. 92-151-A
Petitioner: Mary Kalaczynski
Petition for Residential Variance

Dear Ms. Kalaczynski:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Zoning Plans Advisory Committee Comments
Date: December 4, 1991
Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,
James E. Dyer
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 4th day of October, 1991.

Arnold Jablon
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Mary Kalaczynski

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 24, 1991
Zoning Administration and
Development Management

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Clemens Property, Item No. 148
Leishear Property, Item No. 155
Nolan Property, Item No. 156
Linz Property, Item No. 159
Cumor Property, Item No. 160
Knapp/Davis, Item No. 161
Meyers Property, Item No. 162
Kalaczynski Property, Item No. 163
Kropp Property, Item No. 164
McMasters Property, Item No. 165

In reference to the petitioner's request, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITMS148/TKTROZ

Looking from German Hill
Road front to back.

Plat to accompany Petition for Zoning ☒ Variance

PROPERTY ADDRESS: 102 GERMAN HILL RD see pages 5 & 6 of the

Subdivision name: GRAY MANOR #3
 plat book # 13, folio # 66, lot # 7, section #

OWNER: MARY K. KOLCZINSKI

LOT SIZE: 50' X 125'

Scale of Drawing: 1" = 20'

92-151-A

LOCATION INFORMATION

Councilmanic District: 7
 Election District: 12

1" = 200' scale map: SE, 2-F

Zoning: DR-5.5

Lot size: 6,143 square feet

SEWER: ☒ public ☐ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE #:

163 103



MORE COUNTY
 ANNING AND ZONING
 GRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	NORTH POINT GRAY MANOR	S.E. 2-F
DATE OF PHOTOGRAPHY JANUARY 1986	92-151-A	

